

ANDREW FREIFELD, ESQ.
P.O. BOX 3196
NEW YORK, NEW YORK 10008
TEL: 917-553-6030
E-MAIL: ANDREW.FREIFELD@YAHOO.COM

April 1, 2024

Hon. Denise L. Cote, *USDJ*
U.S. District Court for the
Southern District of New York

Denise L. Cote
4/1/24

Re: United States v. Edward Abreu, ## 20-cr-52 -DLC-2, 21-cv-10122-DLC

Dear Judge Cote:

On behalf of Edward Abreu, we write to ask that the Court preclude the government from filing a response to Abreu's motion pursuant to 28 USC § 2255, filed November 29, 2021 (ECF No. 389), on the ground that any such filing would be untimely.

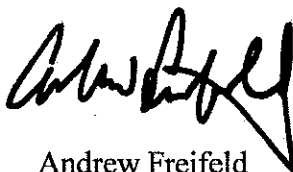
By order entered December 21, 2023 (ECF No. 407), the Court ordered Abreu, then appearing pro se, to file a waiver of confidentiality within 60 days (provided he wishes to continue to pursue relief under § 2255), and for the government to file a response to the § 2255 motion within 60 days of Abreu's filing of the waiver. By order entered January 5, 2024, the Court appointed your undersigned as counsel to Abreu under the Criminal Justice Act. (ECF No. 410)

By order entered February 5, 2024 (ECF No. 412), the Court ordered that "the submission dates for further filings shall be in 30-day intervals, as opposed to 60-day intervals, now that Abreu has counsel appointed to represent him".

Abreu filed the waiver of confidentiality on February 17, 2024. (ECF No. 415) Accordingly, the government's response to Abreu's § 2255 motion was due on March 18, 2024. No response has been filed and the government has not sought an extension of the deadline.

For these reasons, the Court should enter an order precluding the government from filing a response to Abreu's § 2255 motion on the ground that any such filing would be untimely.

Respectfully submitted,



Andrew Freifeld

cc: US Attorney, SDNY (via ECF)